

R E M A R K S

Claims 12-23 are pending. No new matter has been added by way of the present amendment. For instance, new claim 23 is supported by the present specification at page 20, line 1. Accordingly, no new matter has been added.

In the outstanding Office Action, the Examiner has asserted that the application contains the following four groups of inventions, which are allegedly not linked so as to form a single general inventive concept pursuant to PCT Rule 13.1.

- I. Claims 12-16 in part and 21-22 in part, drawn to a method of opening potassium channels comprising administering NONHETEROCYCLIC derivatives embraced in formula I. A single disclosed species has also been requested for search purposes;
- II. Claims 12-16 in part and 21-22 in part, drawn to a method of opening potassium channels comprising administering HETEROCYCLIC derivatives embraced in formula I. A single disclosed species has also been requested for search purposes;

III. Claims 17-20 in part and 21-22 in part, drawn to a method of opening potassium channels comprising administering NONHETEROCYCLIC derivatives embraced in formula II. A single disclosed species has also been requested for search purposes; and

IV. Claims 17-20 in part and 21-22 in part, drawn to a method of opening potassium channels comprising administering HETEROCYCLIC derivatives embraced in formula II. A single disclosed species has also been requested for search purposes.

Applicants respectfully traverse this rejection.

The Examiner has asserted that the compounds required to practice the claimed methods are different, since each one of them has a substantially different core and substitution of variable groups in any of the cores does not provide compounds required in any of the other groups of inventions. Applicants respectfully submit that the inventions categorized by the Examiner are common to the extent that they are involved in a method administering a potassium channel opener, which is categorized as a diterpene derivative. Thus, a single general inventive concept does exist, which links all the presently pending claims.

Further, although the Examiner has asserted that the different groups of claims are classified in multiple classes and multiple subclasses, Applicants believe that the present claims, in particular all of the present claims, will be classified in Class 514. Thus, there exists no undue burden of search and/or consideration on the part of the Examiner to search and consider the claims in their entirety. Accordingly, Applicants respectfully request that the Examiner search and consider all currently pending claims.

However, in order to be fully responsive, Applicants hereby elect Group III, directed to claims 17-20 (in part) and 21-22 (in part), wherein the method of opening potassium channels comprises administering nonheterocyclic derivatives embraced by formula II. Applicants note that the core of the compounds according to formula II remains unchanged by the possible additional aspects of the heterocyclic derivative. Thus, at the very least, Groups III and IV should be rejoined. This is an election with traverse.

Applicants have also been requested to elect a single disclosed species for search purposes. Applicants hereby elect compound (1), that is, dichlorodehydroabiatic acid, discussed at

page 20, line 1 of the present specification. It is Applicants' understanding that this election will serve as a starting point for searching. The Examiner is expected to commence searching with the elected species and expand the search to include other species with the intent of finding the generic claim ultimately allowable.


Favorable action on the merits is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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